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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,043	02/20/2004	Ronald E. Craig	RSW920030292US1	6822

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HOFFMAN WARNICK & D'ALESSANDRO, LLC
3 E-COMM SQUARE
ALBANY, NY 12207

EXAMINER

LE, THIEN MINH

ART UNIT PAPER NUMBER

2876

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

4A

Office Action Summary	Application No.	Applicant(s)	
	10/784,043	CRAIG ET AL.	
	Examiner	Art Unit	
	Thien M. Le	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-11,13-19,21-25,27 and 28 is/are rejected.
- 7) ☒ Claim(s) 5,12,20 and 26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

The information disclosure statement filed on 2/20/2004 has been entered.

Claims 1-28 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 6-11, 13-19, 21-25, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurt et al. (Patent Publication No. 2002/0174040 A1; herein after referred as Hurt) in view of Gupta et al. (herein after referred to as Gupta – 5,493,107); and Yamaguchi et al. (herein after referred to as Yamaguchi – 4,817,185); and Cato et al. (herein after referred to as Cato – 4,758,058).

Regarding claims 1, 9, 17, and 23, Hurt discloses a method for “reconciling for reconciling data between at least a first and a second database containing information about products purchasable in a retail store operation, to determine discrepancies there between. The method includes providing a data processor. The data processor is used for comparing price and product information contained in the first database with product and price information contained in the second database, and for determining whether any discrepancies exist between the product and price information of the first database and the product and price information of the second database. A comparison is report is generated setting forth, in an ordered array, the determined discrepancies between the product and price information of the first database and the product and price information of the second database”. [abstract]

According to Hurt, the discrepancy reports comprise listings of those items wherein discrepancies exist between the shelf label price or description and the cash register transaction system price or product description. These reports can be provided in a variety of formats, and with a variety of sorting options. These various

sorting options and formats provide additional utility by providing the potential for making it easier for store personnel to reconcile discrepancies. [paragraph no. 0020]

Specifically, Hurt discloses a "first processor 20 is provided for processing the data contained in the first database 12 and the data contained in the second database 14, to compare the two sets of data, to provide a comparison report 26, wherein any discrepancy between the data contained in the first database 12 and the data contained in the second database 14 are listed, so that such discrepancy can be dealt with appropriately by store personnel to ensure that the price and item descriptions contained on a shelf label 18 match the price and item descriptions contained within the cash register transaction system 16, and hence, on the register tape receipt given to the customer." [paragraph no. 0040]

As can be seen, Hurt disclose a system for capturing the shelf label from a product identification code (bar code) and thus comparing its listing price against the corresponding price stored in the cash-register database for discrepancies.

Though Hurt discloses that the price was printed on the individual item can be different from the price in the database, Hurt is silent about the use of a bar code reader for reading the bar code; an OCR reader for reading the human-readable list price.

However, the claimed limitations are not new. Reference to Gupta, Yamaguchi and Cator are cited as evidence showing the conventionality of the method of using the product label comprising a UPC code and a printed price, an OCR reader for reading the OCR price tag; and bar code reader for reading UPC price tag.

It would have been obvious to implement the teachings as taught by Gupta, Yamaguchi, and Cator in the system as taught by Hurt for price verifications purposes. The modification further ensures of any discrepancy among the printed item price and the item price stored in the database via the UPC product identification code.

Regarding claims 2, 10, 18, 24, the step of inputting the quantity, computing the total price, and storing are considered the typical functions of a POS system that would have been embraced by the system as taught by Hurt.

Regarding claims 3-4, 19, 25, see the discussions regarding claim 1. Further, the step of comparing the price stored on the label and the register price would have been embrace by the teachings as discussed in claim 1. This is possible when a customer is manually, and/or visually comparing the receipt price with the price label of the product or item.

Regarding claims 6-8, 21-22, and 27-28, see the discussions regarding claim 1. The claims differ in calling for price verification unit that could receive UPC price from a remote database via a wire or a wireless communication link. However, this claimed limitation is not new. Reference to Gupta (cited above) can be used as further evidence showing the conventionality of the use of a price verification unit to wirelessly retrieving information from a remote price database. The price verification unit could also docking/downloading information from a database via disk, a recording medium, etc. (see figure 3). Thus, it would have been obvious to further modify Hurt's system to include these methods of downloading price from the database to the price verification

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unit. The modification increases the mobility aspects of the price verification system while not affecting the underlying inventiveness concepts of Hurt's teachings..

Regarding claim 9, see the discussions regarding claim 1.

Regarding claims 11 and 13-14, and 16, all limitations of these claims are disclosed by the combined teachings as has been discussed above.

Regarding claim 15, see the discussions above. The claim differs in calling for a hybrid barcode/OCR reader device. However, this claimed limitations are not new. Office Notice is taken that hybrid barcode/OCR reader are known and are commercially available in retail environments, storage systems, etc. Without any unexpected results, the modification merely replaces the barcode and the OCR readers as have been discussed above with a hybrid barcode/OCR reader unit. The modification is considered as a substitution of an art recognized equivalent which is well within the skill levels and expectations of an ordinary skilled artisan.

Allowable Subject Matter

Claims 5, 12, 20, 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art discloses various price verification systems. However, the prior art fails to disclose a price verification system comprising a bar code reader and an OCR

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reader wherein the OCR reader is used for scanning the receipt prices in the manner as recited in claims 5, 20, and 26.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien M. Le whose telephone number is (571) 272-2396. The examiner can normally be reached on Monday - Friday from 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Le, Thien Minh
Primary Examiner
Art Unit 2876
April 28, 2005